

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
WAYNE MILLER, for himself and on behalf of all :
others similarly situated, :

Plaintiff, :

- v - :

WELLS FARGO BANK, N.A., WELLS FARGO :
INSURANCE, INC., ASSURANT, INC. and :
AMERICAN SECURITY INSURANCE :
COMPANY, :

Defendants. :
:
----- X

No. 13-cv-1541 (VB)

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the accompanying Declarations of Stephen Gauster, Ronald K. Wilson, and Rebecca H. Voyles, and the exhibits annexed thereto, defendants Assurant, Inc. and American Security Insurance Company, by and through undersigned counsel, will move in the above-captioned action before the Honorable Vincent L. Briccetti, United States District Judge, at The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, on a date and at a time to be determined by the Court, for entry of an order dismissing plaintiff's Corrected Class Action Complaint as against the moving defendants pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), and 12(b)(6), and for such other and further relief as the Court deems necessary and proper.

Dated: New York, New York
May 1, 2013

SULLIVAN & WORCESTER LLP

By: /s/ Andrew T. Solomon

Andrew T. Solomon

Karen E. Abravanel

1633 Broadway, 32nd Floor

New York, New York 10019

Telephone: (212) 660-3000

Facsimile: (212) 660-3001

Email: asolomon@sandw.com

kabravanel@sandw.com

JORDEN BURT LLP

Frank G. Burt (*pro hac vice*)

Denise A. Fee (*pro hac vice*)

W. Glenn Merten (*pro hac vice*)

Brian P. Perryman (*pro hac vice*)

1025 Thomas Jefferson Street NW

Suite 400 East

Washington, DC 20007

Telephone: (202) 965-8100

Facsimile: (202) 965-8104

*Attorneys for Defendants Assurant, Inc.
and American Security Insurance Company*